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Attorneys for Plaintiff, MACKENZIE ANNE THOMA,  
and on behalf of herself and all others similarly situated

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MACKENZIE ANNE THOMA, a.k.a.  
KENZIE ANNE, an individual and on  
behalf of all others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware limited  
liability company and MIKE MILLER,  
an individual;

Defendants.

CASE NO: 2:23-cv-04901-WLH  
(AGRx)

**DECLARATION OF SARAH COHEN  
IN SUPPORT OF PLAINTIFF'S  
MOTION TO LIFT THE STAY ON  
DISCOVERY**

**DECLARATION OF SARAH H. COHEN**

I, Sarah H. Cohen, declare and state:

1. I am an attorney at law, duly licensed to practice before all the Courts of the State of California and I am an attorney with Bibiyan Law Group, P.C, counsel of record for plaintiff Mackenzie Anne Thoma (“Plaintiff” or “Ms. Thoma”) and all others similarly situated and aggrieved. As such, I am familiar with the file in this matter and if called as a witness I could and would competently testify to the following facts of my own personal knowledge.

2. Plaintiff filed this putative class action against Defendants in California Superior Court on April 20, 2023.

3. This case was removed to federal court on June 21, 2023.

4. On June 29, 2023, Defendants moved to dismiss Plaintiff’s original complaint. On July 21, 2023, Plaintiff moved to remand this action back to the Los Angeles Superior Court.

5. On August 30, 2023, this court severed Plaintiff’s claim of Unfair Competition and remanded to state court, while keeping the other causes of action in federal court.

6. Throughout Phase One Discovery Period Defendants served at least six (6) subpoenas to third parties which contain document requests outside the scope of Phase One Discovery. Defendants also engaged in a harassing fishing expedition into the entire archive of the Instagram account for Plaintiff’s former agent Ryan Murphy on a whim that Plaintiff filed this case as a vendetta. A true and correct copy is attached hereto as **Exhibit A**.

7. Following the Court’s Order striking Defendants’ MSJ, during the Parties November 15, 2024 meet and confer, Defendants have represented to Plaintiff that they intend to concurrently file a motion to renew their leave to file the MSJ **along with** the renewed MSJ itself. Plaintiff also informed Defendants of her intention to file a motion to lift the stay on discovery.

8. On October 15, 2024, the Parties appeared before Magistrate Judge Alicia G. Rosenberg on Defendants’ Motion to Compel Further Responses, where Judge Rosenberg

1 stated that Defendants likely were “left with the record” they had and Defendants “would  
2 need relief from the district judge” at a minimum. Magistrate Judge Alicia G. Rosenberg did  
3 not grant Defendants leave to file an Evidentiary Sanctions motion. A true and correct copy  
4 is attached hereto as **Exhibit B**.

5 9. On April 17, 2023, Plaintiff filed a complaint with the LWDA.

6 10. On April 20, 2023, Plaintiff filed her wage and hour class action against  
7 Defendants in the Central District of California Case No. 2:23-cv-04901-WLH (AGRx). On  
8 July 12, 2023, Ms. Thoma filed a representative action for civil penalties under the Labor  
9 Code Private Attorneys’ General Act of 2004, codified at Labor Code section 2698, *et seq.*  
10 as a proxy of the State of California against Defendants for alleged wage-and-hour violations  
11 that she alleges that she and aggrieved employees suffered during their employment with  
12 Defendants. Plaintiff’s PAGA matter is currently stayed pending the outcome of this federal  
13 class action, which is prejudicial to Plaintiff, aggrieved employees, and the State of  
14 California.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
16 this 22nd of November 2024, at Los Angeles, California.

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18 /s/ Sarah H. Cohen  
19 Sarah H. Cohen  
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